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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

,	}	No. CV-**-*****-PHX-ASB
Plaintiff(s),	}	
vs.	}	CASE MANAGEMENT ORDER
,	}	
Defendant(s).	}	

On **Month, Day, Year**, a Case Management Conference was held pursuant to Rule 16(b) of the Federal Rules of Civil Procedure. The parties met before the conference in accordance with Rule 26(f) and prepared a joint case management report. On the basis of the Case Management Conference and the joint report, the Court enters the following Case Management Order to govern the litigation in this case.

IT IS HEREBY ORDERED:

1. Deadline for Initial Disclosures. Initial disclosures required by Federal Rule of Civil Procedure 26(a), if not already exchanged, shall be exchanged no later than **Month, Day, Year**. The parties shall file with the Clerk of the Court a Notice of Initial Disclosure, rather than copies of the actual disclosures.
2. Deadline for Joining Parties, Amending Pleadings, and Filing Supplemental Pleadings. The deadline for joining parties, amending pleadings, and filing supplemental pleadings is **60 days** from the date of this Order.
3. Discovery Limitations. Depositions in this case shall be limited to seven

1 hours each as provided in Rule 30(d)(1) of the Federal Rules of Civil Procedure. Each
2 side may propound up to 25 interrogatories, including subparts, 25 requests for
3 production of documents, including subparts, and 25 requests for admissions, including
4 subparts. The limitations set forth in this paragraph may be increased by mutual
5 agreement of the parties, but such an increase will not result in an extension of the
6 discovery deadlines set forth below.

7 4. Deadline for Completion of Fact Discovery. The deadline for completing
8 fact discovery, including discovery by subpoena, shall be **Month, Day, Year.** To ensure
9 compliance with this deadline, the following rules shall apply:

10 a. Depositions: All depositions shall be scheduled to commence at least
11 **five business days** prior to the discovery deadline. A deposition commenced five days
12 prior to the deadline may continue up until the deadline, as necessary.

13 b. Written Discovery: All interrogatories, requests for production of
14 documents, and requests for admissions shall be served at least **45 days** before the
15 discovery deadline.

16 c. The parties may mutually agree, without Court approval, to extend
17 the time provided for discovery responses in Rules 33, 34, and 36 of the Federal Rules of
18 Civil Procedure. Such agreed-upon extensions, however, shall not alter or extend the
19 discovery deadlines set forth in this Order.

20 5. Deadlines for Disclosure of Experts and Completion of Expert Discovery.

21 a. Plaintiff(s) shall provide full and complete expert disclosures, as
22 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure, no later than
23 **Month, Day, Year.**

24 b. Defendant(s) shall provide full and complete expert disclosures, as
25 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure, no later than
26 **Month, Day, Year.**

27 c. Rebuttal expert disclosures, if any, shall be made no later than
28 **Month, Day, Year.** Rebuttal experts shall be limited to responding to opinions stated by

1 initial experts.

2 d. Expert depositions shall be completed no later than **Month, Day,**
3 **Year.** As with fact witness depositions, expert depositions shall be scheduled to
4 commence at least five business days before the deadline.

5 e. Disclosures under Rule 26(a)(2)(A) must include the identities of
6 treating physicians and other witnesses who will provide testimony under Federal Rules
7 of Evidence 702, 703, or 705, but who are not required to provide expert reports under
8 Rule 26(a)(2)(B). Rule 26(a)(2)(C) disclosures are required for such witnesses on the
9 dates set forth above. Rule 26(a)(2)(C) disclosures must identify not only the subjects on
10 which the witness will testify, but must also provide a summary of the facts and opinions
11 to which the expert will testify. The summary, although clearly not as detailed as a Rule
12 26(a)(2)(B) report, must be sufficiently detailed to provide fair notice of what the expert
13 will say at trial.¹

14 f. As stated in the Advisory Committee Notes to Rule 26 (1993
15 Amendments), expert reports disclosed under Rule 26(a)(2)(B) must set forth “the
16 testimony the witness is expected to present during direct examination, together with the
17 reasons therefor.” Full and complete disclosures of such testimony are required on the
18 dates set forth above; absent truly extraordinary circumstances, parties will not be
19 permitted to supplement their expert reports after these dates.

20 g. Each side shall be limited to one retained or specially employed
21 expert witness per issue.

22 6. Discovery Disputes.

23 a. If a discovery dispute arises, the parties shall promptly call the Court
24 to request a telephone conference concerning the dispute. The Court will seek to resolve

25 ¹ In *Goodman v. Staples The Office Superstore, LLC*, 644 F.3d 817 (9th Cir. 2011),
26 the Ninth Circuit held that “a treating physician is only exempt from Rule 26(a)(2)(B)’s
27 written report requirement to the extent that his opinions were formed during the course
28 of treatment.” *Id.* at 826. Thus, for opinions formed outside the course of treatment, Rule
26(a)(2)(B) written reports are required. *Id.* For opinions formed during the course of
treatment, Rule 26(a)(2)(C) disclosures will suffice.

1 the dispute during the telephone conference, and may enter appropriate orders on the
2 basis of the telephone conference. The Court may order written briefing if deemed
3 necessary. The parties may not file written discovery motions without leave of Court.²

4 b. The parties shall not contact the Court concerning a discovery
5 dispute without first seeking to resolve the matter through personal consultation and
6 sincere effort as required by Rule 7.2(j) of the Local Rules of Civil Procedure (“LRCiv”
7 or “Local Rules”), Rules of Practice for the U.S. District Court for the District of
8 Arizona. Any briefing ordered by the Court must comply with LRCiv 7.2(j). which
9 prohibits the parties from filing discovery motions without first seeking to resolve the
10 matter through personal consultation and sincere efforts. If the parties cannot reach a
11 resolution, they may file a motion. Motions, responses, and replies shall not exceed six
12 pages each.

13 c. Absent extraordinary circumstances, the Court will not entertain fact
14 discovery disputes after the deadline for completion of fact discovery, and will not
15 entertain expert discovery disputes after the deadline for completion of expert discovery.

16 7. Deadline for Filing Dispositive Motions.

17 a. Dispositive motions shall be filed no later than **Month, Day, Year.**
18 Such motions must comply in all respects with the Federal Rules of Civil Procedure and
19 the Local Rules.

20 b. No party shall file more than one motion for summary judgment
21 under Rule 56 of the Federal Rules of Civil Procedure unless permission is first obtained
22 by motion to the Court.

23 c. Failure to respond to a motion within the time periods provided in
24 LRCiv 7.2 will be deemed a consent to the denial or granting of the motion and the Court
25 may dispose of the motion summarily pursuant to LRCiv 7.2(i).

26 d. Statements of fact required by LRCiv 56.1 shall not exceed ten (10)

27 ² This prohibition on “written discovery motions” includes any written materials
28 delivered to the Court, including “correspondence” with attachments.

1 pages in length, exclusive of exhibits. The parties should review *Hunton v. Am. Zurich*
2 *Ins. Co.*, 2018 WL 1182552, at *2-5 (D. Ariz. Mar. 7, 2018), before briefing summary
3 judgment motions.

4 d. Pursuant to LRCiv 7.2(f), a party requesting an oral argument on any
5 motion shall place the words “Oral Argument Requested” immediately below the title of
6 the motion or the response to the motion. The Court will issue an order scheduling oral
7 argument as it deems appropriate.³

8 8. Deadline for Engaging in Good Faith Settlement Talks. All parties and
9 their counsel shall meet in person and engage in good faith settlement talks no later than
10 **Month, Day, Year.** Upon completion of such settlement talks, and in no event later than
11 five (5) calendar days after the deadline set forth in the preceding sentence, the parties
12 shall file with the Court a joint report on settlement talks executed by or on behalf of all
13 counsel. The report shall inform the Court that good faith settlement talks have been held
14 and shall report on the outcome of such talks. The parties shall indicate whether
15 assistance from the Court is needed in seeking settlement of the case. The parties shall
16 promptly notify the Court at any time when settlement is reached during the course of
17 this litigation.

18 9. Deadline for Notice of Readiness for Pretrial Conference. The parties shall
19 notify the Court that they are ready for scheduling of a Final Pretrial Conference pursuant
20 to Rule 16(d) of the Federal Rules of Civil Procedure. The parties shall file and serve this
21 notice within ten days after the dispositive motion deadline if no dispositive motions are
22 pending on that date. If dispositive motions are pending, the parties shall file and serve
23 such notice within ten days after the resolution of dispositive motions. The court will
24 then issue an Order Setting Final Pretrial Conference that (a) sets deadlines for briefing
25 motions in limine, (b) includes a form for the completion of the parties’ joint proposed
26

27 ³ The Court encourages the litigants to be mindful of opportunities for newer
28 lawyers to conduct hearings before the Court, particularly in instances where the newer
lawyer drafted or significantly contributed to the underlying motion or response.

1 Final Pretrial Order, and (c) otherwise instructs the parties concerning their duties in
2 preparing for the Final Pretrial Conference. A firm trial date will be set at the Final
3 Pretrial Conference.

4 10. The Deadlines Are Real. The parties are advised that the Court intends to
5 enforce the deadlines set forth in this Order, and should plan their litigation activities
6 accordingly. The Court will not, absent truly extraordinary circumstances, extend the
7 deadlines in this case to accommodate settlement talks.

8 11. Briefing Requirements.

9 a. All memoranda filed with the Court must comply with LRCiv
10 7.1(b), including the 13-point font requirement and proposed forms of order.

11 b. Citations in support of any assertion in the text must be included in
12 the text, rather than in the footnotes.